

**REMARKS/ARGUMENTS**

Claims 1-7, 11-13, 22, 27-31, 33, and 39-41 are pending. Claims 1, 2, 6, 7, 11, 12, 13, 22, 27, 28, 29, 30, 31, and 33 have been amended. Claims 8-10, 14-21, 23-26, 32, and 24-38 have been canceled. New claims 39-41 have been added.

Applicants thank the Examiner for indicating that claims 9-12, 29, 32, and 35-37 include allowable subject matters.

Claims 1-8, 13-28, 30, 31, 33, 34, and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomimatu (US Pat. No. 5,792,580) and further in view of Matsuura (US Pat. No. 4,702,606). Applicants traverse the rejection.

Applicants note that the Examiner actually cited "Matsuura et al (U.S. Patent 4,700,667)" as the second reference, which does not exist in the cited reference list. However, the list does include U.S. Pat. No. 4,702,606 to Matsuura et al ("Matsuura '606"). Accordingly, the remarks herein are prepared assuming that Matsuura '606 is the intended second reference.

Claim 1 is direct to a comparative inspection device. The claim recites, "a stage on which an object is mounted and which moves said object; a detector for detecting an image of said object on said stage, said image comprising a plurality of inspection image regions, and for outputting an image signal; an image processing unit for receiving said image signal, determining a plurality of offsets for said plurality of inspection image regions relative to a plurality of corresponding reference image regions, and determining a selected offset out of a set of offsets of the plurality of offsets, wherein said set has at least one high reliability offset of said plurality of offsets; a comparing unit for aligning an inspection image and a reference image using said selected offset and comparing said aligned inspection image and said reference image to detect a defect candidate; and a feature extracting unit for extracting a feature of said defect candidate."

Tomimatu is directed to alignment methods where a reticle pattern image is sequentially transferred onto each shot region on a wafer. Tomimatu does not relate to a comparative inspection device. It does not disclose or suggest, "a comparing unit for aligning an inspection image and a reference image using said selected offset and comparing said aligned

inspection image and said reference image to detect a defect candidate," as recited in claim 1. Matsuura '606 does not remedy this deficiency of Tomimatu. Claim 1 is allowable at least for this reason.

Claim 6 recites, "a comparing means for comparing said aligned inspection image and said reference image to detect a defect candidate." Neither Tomimatu nor Matsuura '606, alone or in combination, disclose or suggest the recited features. Claim 6 is allowable at least for this reason.

Claim 7 recites, "comparing said aligned first image and said second image to detect a defect candidate." Neither Tomimatu nor Matsuura '606, alone or in combination, disclose or suggest the recited features. Claim 7 is allowable at least for this reason.

Claim 22 recites, "comparing said aligned inspection image and said reference image to detect a defect candidate." Neither Tomimatu nor Matsuura '606, alone or in combination, disclose or suggest the recited features. Claim 22 is allowable at least for this reason.

Claim 30 recites, "a defect inspection unit which aligns said current image and said corresponding previously-detected image by using said determined offset and compares said aligned current image and said corresponding previously-detected image to detect difference between said aligned current image and said corresponding previously-detected image as a defect." Neither Tomimatu nor Matsuura '606, alone or in combination, disclose or suggest the recited features. Claim 30 is allowable at least for this reason. The remaining claims depend from one of the above independent claims and are allowable at least for this reason.

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Amdt. dated October 19, 2004  
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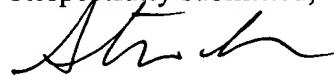
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**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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